REMARKS

Claims 1-45 are pending in the present application. Reconsideration of the claims is respectfully requested.

I.   Application to be Considered Special

This application has received a fourth, non-final Office Action. As per MPEP § 707.02, Applicants respectfully request that the Supervisory Patent Examiner personally check on the pendency of this application and make every effort to complete prosecution of this application.

II.   35 U.S.C. § 102, Alleged Anticipation

The Office rejects claims 1-45 under 35 U.S.C. § 102(e) as being anticipated by Lent et al. (U.S. Patent No. 6,405,181 B2). This rejection is respectfully traversed.

As to claim 1, the Office states:

> As per claims 1, Lent discloses a data processing system implemented method for identifying teaser surfers, the method comprising:
> receiving, by the data processing system, a credit history data for a creditor,
> summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months (see column 4 lines 17-47 an column 5 lines 16-37 and column and column 13 lines 28-46) and column 14 lines 51-67 and column 15 lines 1-9.
> summing by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months;
> calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months(see column 4 lines 17-47 an column 15 lines 16-37 and column and column 13 lines 28-46) and column 14 lines 51-67 and column 15 lines 1-9.

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calculating, by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months; comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and

issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. (see column 4 lines 17-47 an column 15 lines 16-37 and column and column 13 lines 28-46) and column 14 lines 51-67 and column 15 lines 1-9.

Office Action dated December 5, 2005, pages 2-3.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that Lent does not teach every element of the claimed invention arranged as they are in the claims.

Claim 1, which is representative of the other rejected independent claims 21 and 41 with regard to similarly recited subject matter, reads as follows:

1.   A data processing system implemented method for identifying teaser surfers, the method comprising:
receiving, by the data processing system, a credit history data for a creditor;
summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months;
summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months;
calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period,

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wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months;

calculating, by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months;

comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and

issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt.

Specifically, Lent does not teach summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months, and summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months.

Lent is directed to providing real time approval of credit over a network. Lent obtains applicant data from an applicant. The applicant data is analyzed into a form suitable for directly obtaining a credit report from a credit bureau for the applicant. A credit report having credit report data is obtained from a credit bureau for the applicant. It is then determined whether to accept the applicant using the credit report data and it is communicated to the applicant that the applicant has been approved.

In contradistinction, the presently claimed invention as recited in claim 1 is directed to identifying teaser surfers. The present invention uses a data processing system to receive a credit history data for a creditor; sum **a total monthly credit card debt** for all credit cards issued to the creditor for a one month period, sum **a total monthly new credit card debt** for all new credit cards issued to the creditor for a one month period, calculates a monthly percentage of **new credit card debt** to total credit card debt for a one month period, calculates an average percentage of **new credit card debt** to total credit card debt over the predetermined number of months, compares the average percentage of **new credit card debt** to total credit card debt to a preset cutoff

average percentage of new credit card debt to total credit card debt; and issues a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt.

The Office alleges that Lent teaches summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months, at column 4, lines 17-47; column 5, lines 16-37; column 13, lines 28-46; and column 14, line 51 to column 15, line 9. Column 4, lines 17-47, reads as follows:

> Underwriter 110 receives data from the parsing engine and evaluates the data to determine if the applicant should receive an offer for credit. In one embodiment, the Underwriter sends the parsed data to at least two credit bureaus, receives data from the credit bureaus, and makes an underwriting decision based on an analysis of the credit bureau data, The analysis may include, but is not limited to, comparing the applicant's Fair Isaac Risk Score (FICO score) to certain thresholds. Underwriter 110 is described in further detail in FIGS. 6A and 6B. If the Underwriter determines that an offer of credit should be extended to the applicant, then an offer is made in real time to the applicant. As is described below, the offer may include one or more sets of alternative terms and those terms may be conditioned on the applicant taking certain actions such as transferring balances. The applicant may be required to actually take such actions in real time before an offer conditioned on such actions is confirmed. If the Underwriter determines that no offer of credit should be extended, then the Underwriter determines a reason for rejecting the applicant.
>
> Whether an offer is extended and accepted or not, information about the offer or the rejection is passed to a creditor module 112 that finalizes the offer and builds a data file that is in the proper form to be sent to First Data Resources, Inc. (FDR), or another such entity that provides a similar service to FDR's service. During the finalization of the offer, FDR data is built for all approved and declined applications. FDR handles the embossing of the card and delivering it to approved applicants. FDR also handles sending rejection letters to rejected applicants.

In column 4, lines 14-47, Lent describes evaluating data to determine if the applicant should receive an offer for credit. Lent sends parsed applicant data to at least two credit bureaus, receives data from the credit bureaus, and makes an underwriting decision based on an analysis of the credit bureau data. The analysis may include, but is not limited to, comparing the applicant's Fair Isaac Risk Score (FICO score) to certain thresholds.

Column 5, lines 16-37, reads as follows:

> The application data structure further includes a set of credit report objects 214 associated with each credit report ordered. In one embodiment, the Underwriter requires at least two credit reports from two of three credit bureaus before a decision to grant credit is made. This rule effectively enables a real time credit decision to be made without incurring an unacceptable amount of risk. Since credit reports are preferably ordered from more than one credit bureau, the application data structure will likely include several credit report objects. Each credit report object 214 includes a plurality of attributes 216. An attribute is an item of data provided by the credit bureau in the credit report. For example, one such attribute is a 90 day attribute that indicates the number of times that the applicant has been more than 90 days late in payment of a debt. Similarly, a 60 day attribute may be provided. Other attributes may include a FICO score, the number of times the applicant has been severely delinquent, existence of a derogatory public record, whether the applicant is now delinquent, the applicant's total revolving balance, and the amount of time that a credit report has been on file for the applicant (also referred to as "thickness of file" or "time on file."

In column 5, lines 16-37, Lent describes an attribute as an item of data provided by the credit bureau in the credit report. The attributes are data such as a 90 or 60 day attribute that indicates the number of times that the applicant has been more than 90 or 60 days late in payment of a debt. Lent also describes other attributes such as a FICO score, the number of times the applicant has been severely delinquent, existence of a derogatory public record, whether the applicant is now delinquent, the applicant's total revolving balance, and the amount of time that a credit report has been on file for the applicant.

Column 13, lines 28-46, reads as follows:

> Next, in a step 1004, offer selection criteria are obtained from the credit report object. In one embodiment, the offer selection criteria include FICO score, income and a balance transfer requirement. Offer selection criteria also may include data entered by the applicant. The offer selection criteria also may include other attributes such as time on file. In general, the offer selection criteria are selected from information obtained from the applicant and from the credit bureaus for the purpose of estimating the applicants risk of default to determine an expectation of future loss as well as an expected future total revolving balance (TRB). In this manner, an appropriate offer may be determined. In one embodiment, the balance transfer requirement is calculated as a selected percentage of the applicant's TRB. As described below, different offer terms may be provided for different balance transfer requirements. As noted above, in

other embodiments, other data structures than the application object are used to store this information.

In column 13, lines 28-46, Lent describes making an offer selection to an applicant using offer selection criteria including a FICO score, income, and a balance transfer requirement. Offer selection criteria are selected from information obtained from the applicant and from the credit bureaus for the purpose of estimating the applicants' risk of default to determine an expectation of future loss as well as an expected future total revolving balance (TRB).

Column 14, line 51 to column 15, line 9, reads as follows:

Next, in a step 1026 the system determines one or more balance transfer amounts based on the total revolving balance that the applicant has in various other credit card accounts. In one embodiment, the balance transfer amounts are calculated based on different percentages of the total revolving balance determined from all of the applicant's accounts found in the credit report. Then, in a step 1028, the system calculates for each total balance transfer amount choice that will be presented to the applicant, a predicted estimated revolving balance for the future that the applicant would be expected to maintain. The estimated total revolving balance may be equal to the balance transfer amount or may be a function of the balance transfer amount. In one embodiment, the estimated total revolving balance does not depend on the balance transfer amount. In one embodiment, four possible percentages of the applicant's total revolving balance as determined by the credit report are presented to the applicant. Those choices are none of the balance, one-third of the balance, two-thirds of the balance, and the full balance. Depending on which of those amounts is selected by the applicant, the system calculates a predicted total revolving balance for the future. Then, in a step 1030, the credit limit for the applicant is set to achieve a target dollar charge off rate based on the amount of the total revolving balance that the applicant elects to transfer and the risk of default. The process then ends at 1032.

In column 14, line 51 to column 15, line 9, lent describes determining one or more balance transfer amounts based on the total revolving balance that the applicant has in various other credit card accounts.

Nowhere in these sections, or any other section of Lent, is there a teaching of summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months. Lent describes using the

data provided by the credit bureaus without any manipulation of the data other than parsing the data to fit into a form. That is, Lent merely uses the applicant's total revolving balance. Lent does not teach summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period. Lent uses the entire total revolving balance and does not provide for breaking down the total revolving balance by any time period whatsoever.

Additionally, Lent does not teach summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months. The Office relies on the same sections cited above as teaching this feature. As discussed above, Lent merely uses the entire total revolving balance and does not provide for breaking down the total revolving balance by any time period whatsoever. Furthermore, Lent does not break down the information provided by the credit bureaus into new credit card debt for all new credit cards issued to the applicant. That is, Lent merely uses the applicant's total revolving balance. Lent is not concerned with determining which credit card debt is old credit card debt and which credit card debt is new credit card debt.

Furthermore, Lent fails to teach calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period. Thus, Lent could not teach calculating a monthly percentage of new credit card debt to total credit card debt for a one month period. Still further, Lent does not teach calculating, by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit

card debt for all new credit cards issued to the creditor for a one month period. Thus, Lent could not teach calculating an average percentage of new credit card debt to total credit card debt over the predetermined number of months.

Even further, Lent does not teach comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach calculating a monthly percentage of new credit card debt to total credit card debt for a one month period and calculating an average percentage of new credit card debt to total credit card debt over the predetermined number of months. Thus, Lent could not teach comparing the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt.

Lent does not teach issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach comparing the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. Thus, Lent could not issue a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. Thus, Applicants respectfully submit that Lent does not teach all of the features of independent claims 1, 21 and 41.

Independent claims 11, 17, 31, 37 and 42-45 recite similar features in their respective claim terminology. Claim 11 which is representative of the other rejected independent claims 31 and 42 with regard so similarly recited subject matter, recites "receiving, by the data processing system, a credit history data for a creditor; summing, by the data processing system, a total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months; calculating, by the data processing system, a monthly percentage of relatively new credit card debt to total credit card debt for a one month period, wherein the monthly

percentage of relatively new credit card debt to total credit card debt is calculated for each of the predetermined number of months; calculating, by the data processing system, an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months; comparing, by the data processing system, the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt; and issuing, by the data processing system, a credit card to the creditor based on the comparison of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt." Claim 17 which is representative of the other rejected independent claims 37 and 43 with regard so similarly recited subject matter, recites "receiving, by the data processing system, a credit history data for a creditor; comparing, by the data processing system, an amount of new credit card debt to a total amount of credit card debt; and issuing, by the data processing system, a credit card to the creditor based on the comparison of the amount of new credit card debt to the total amount of credit card debt." Claim 44 which is representative of the other rejected independent claim 45 with regard so similarly recited subject matter, recites "receiving by the data processing system a credit history data for a creditor; determining by the data processing system if the creditor is a teaser surfer based on the credit history data; and rejecting by the data processing system a credit card to the creditor based on the teaser surfer determination."

Thus, Lent does not teach each and every feature of independent claims 1, 11, 17, 21, 31, 37 and 41-45 as is required under 35 U.S.C. § 102. At least by virtue of their dependency on independent claims 1, 11, 17, 21, 31 and 37, the features of dependent claims 2-10, 12-16, 18-20, 22-30, 32-36 and 38-40 and 35 are not taught by Lent. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-45 under 35 U.S.C. § 102.

Furthermore, Lent does not teach, suggest or give any incentive to make the needed changes to reach the presently claimed invention. Absent the Office pointing out some teaching or incentive to implement Lent such that a data processing system sums a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined

number of months; sums a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months; calculates a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months; calculates an average percentage of new credit card debt to total credit card debt over the predetermined number of months; compares the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and issues a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt, one of ordinary skill in the art would not be led to modify Lent to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion or incentive to modify Lent in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

Moreover, in addition to their dependency from independent claims 1, 11, 17, 21, 31, and 37, the specific features recited in dependent claims 2-10, 12-16, 18-20, 22-30, 32-36, and 38-40 are not taught by Lent. For example, with regard to claims 2 and 22, Lent does not teach summing total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months. The Office relies on the same sections cited above as teaching this feature. As discussed above, Lent merely uses the entire total revolving balance and does not provide for breaking down the total revolving balance by any time period whatsoever. Furthermore, Lent does not break down the information provided by the credit bureaus into relatively new credit card debt for all new credit cards issued to the applicant. That is, Lent merely uses the applicant's total revolving balance. Lent is not concerned with determining which credit card debt is old credit card debt and which credit card debt is relatively new credit card debt.

As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach summing total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months. Thus, Lent could not teach calculating a monthly percentage of relatively new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of relatively new credit card debt to total credit card debt is calculated for each of the predetermined number of months; calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months; comparing the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt; and issuing a credit card to the creditor based on the comparison of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt as recited in claim 2 and 22 or similar subject matter recited in claims 12, 18, 23, and 38.

With regard to claims 3, 4, 23, and 24, Lent does not teach a new credit card is a credit card having been issued to the creditor for less than six months or the new credit cards are credit cards having been issued to the creditor for a period of time less than a preset time period for low interest teaser interest rates. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period. Thus, Lent could not teach the features as recited in claims 3 and 4 or similar subject matter recited in claims 13, 23, 24, and 33.

With regard to claims 5 and 6, Lent does not teach the relatively new credit cards are credit cards having been issued to the creditor for less than twelve months or a relatively new credit card is a credit card having been issued to the creditor for a period of time less than two preset time periods for low interest teaser interest rates. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new

credit cards issued to the creditor for a one month period. Thus, Lent could not teach the features as recited in claims 5 and 6 or similar features recited in claims 14, 25, 26, and 34.

With regard to claims 7 and 8, Lent does not teach that a predetermined number of months is twelve months or twenty-four months. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period. Thus, Lent could not teach the features as recited in claims 5 and 6 or similar features recited in claims 14, 25, 26, and 34.

With regard to claims 9 and 10, Lent does not teach the preset cutoff average percentage of new credit card debt to total credit card debt is sixty-five percent or the preset cutoff average percentage of relatively new credit card debt to total credit card debt is eighty-five percent. As discussed above, Lent merely uses the applicant's total revolving balance and fails to teach summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period. Thus, Lent could not teach the features recited in claims 9 and 10 or similar features recited in claims 16, 29, 30, and 36.

Therefore, in addition to being dependent on independent claims 1, 11, 17, 21, 31, and 37 dependent claims 2-10, 12-16, 18-20, 22-30, 32-36, and 38-40 are also distinguishable over Lent by virtue of the specific features recited in these claims. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2-10, 12-16, 18-20, 22-30, 32-36, and 38-40 under 35 U.S.C. § 102.

III.   35 U.S.C. § 103. Alleged Obviousness

The Office rejects claims 10-18 and 23-31 under 35 U.S.C. § 103(a) as being unpatentable over Lent et al. (U.S. Patent No. 6,405,181 B2) in view of Cornelius et al. (U.S. Patent No. 6,629,081 B1). This rejection is respectfully traversed.

Applicants spoke to Examiner Graham on February 10, 2006 regarding the 35 U.S.C. § 103(a) of claims 10-18 and 23-31 shown in item 4 on page 2 of the Office Action. Applicants pointed out that the 35 U.S.C. § 103(a) heading appears under a 35 U.S.C. § 103(a) heading and that the Cornelius reference was not used in any rejection appearing on pages 2-17 of the Office Action. The Examiner stated that the inclusion of the 35 U.S.C. § 103(a) was in error and Applicants did not need to address the rejection. Applicants thank Examiner Graham for the courtesies extended to Applicants.

IV.   Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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